

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE**

FUSION ELITE ALL STARS, et al., Plaintiffs, v. VARSITY BRANDS, LLC, et al., Defendants.	Case No. 2:20-cv-02600-SHL-cgc Jury Trial Demanded
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JOINT MOTION TO AMEND SCHEDULING ORDER

Plaintiffs Fusion Elite All Stars, Spirit Factor LLC d/b/a Fuel Athletics, Stars and Stripes Gymnastics Academy Inc. d/b/a Stars and Stripes Kids Activity Center, Kathryn Anne Radek, Lauren Hayes, and Janine Cherasaro and Defendants Varsity Brands, LLC, Varsity Spirit, LLC, Varsity Spirit Fashions & Supplies, LLC, and U.S. All Star Federation, Inc. (collectively, the “Parties”) jointly move this Court, pursuant to Fed. R. Civ. P. 16(b)(4), for the entry of an amended scheduling order setting forth the following fact discovery-related deadlines:

- April 21, 2021: Parties will complete meet and confers regarding documents and data to be produced in response to the Parties’ First Sets of Requests for Production.
- May 5, 2021: Parties will submit disputes to the Court regarding any areas of dispute regarding documents and data to be produced in response to the Parties’ First Sets of Requests for Production.

The Scheduling Order entered by the Court on October 15, 2020 (ECF No. 61) provides for Motions to Compel to be filed 90 days from service of the Parties’ first Requests for Production. The current deadline for filing Motions to Compel pursuant to that Scheduling Order is March 31, 2021. The Parties believe that allowing several more weeks for meet and confers, followed by Motions to Compel, will enable them to come to agreement in more of the disputed

areas and maximize judicial efficiency by minimizing the disputes the Parties will need to ask the Court to resolve. The Sixth Circuit has explained that “[t]he primary measure of Rule 16’s ‘good cause’ standard is the moving party’s diligence in attempting to meet the case management order’s requirements.” *Bank of Am., N.A. v. Corporex Realty & Investment Corp.*, 661 F. App’x 305, 317 (6th Cir. 2016) (quoting *Inge v. Rock Fin. Corp.*, 281 F.3d 613, 625 (6th Cir. 2002)). Here, the Parties are moving jointly and have diligently negotiated the scope of productions in response to the first Requests for Production as per the Scheduling Order, often with multiple teleconferences in a given week and exchanges of compromise offers, in an effort to come to agreement. The Parties believe that setting deadlines of April 21, 2021 and May 5, 2021 for completion of meet and confers and the filing of Motions to Compel will allow them to complete their meet and confers, reach agreements in all areas where compromise is possible, and then file motions where it is not. The Parties agree that all other deadlines set forth by the Court will remain the same.

Respectfully submitted,

March 30, 2021

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CERTIFICATE OF SERVICE

The undersigned certifies the foregoing document was filed with the Court's Case Management/Electronic Case Filing System, this 30th day of March, 2021, and served upon counsel known to be representing the Defendants, including the following:

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